

Applicants: James M. Binley et al.
Serial No.: 10/780,993
Filed: February 18, 2004
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Accordingly, applicants submit a Terminal Disclaimer signed by an authorized official of Progenics Pharmaceuticals Inc. (Progenics) attached hereto as **Exhibit 1** and a Terminal Disclaimer signed by an authorized official of Aaron Diamond AIDS Research Center (ADARC) attached hereto as **Exhibit 2**. Progenics and ADARC are the Assignees of record of an equal, undivided right, title and interest in both the subject application and U.S. Patent No 6,710,173.

In accordance with 37 C.F.R. §1.321(b), each Terminal Disclaimer submitted herewith is signed by an assignee of record. In addition, the Terminal Disclaimers submitted specify the portion of the term of the patent being disclaimed, state the present extent of the assignees' ownership interest in the patent to be granted, and is accompanied by the fee set forth in §1.20(d).

Applicants maintain that the Terminal Disclaimers submitted herewith comply with the requirements of 37 C.F.R. §1.321(b). Accordingly, applicants maintain that the Examiner's ground of rejection is obviated and respectfully request that this ground of rejection be withdrawn.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

Conclusion

In view of the remarks hereinabove and the filing of the attached Terminal Disclaimers, applicants respectfully request that the Examiner reconsider and withdraw the obviousness-type nonstatutory double patenting ground of rejection set forth in the October 10, 2007 Office Action, and further request allowance

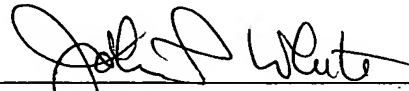
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of claims 87-93, 95-113, 126-132, and 134-152 pending in the subject application.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, except the \$130.00 fee for filing two Terminal Disclaimers, is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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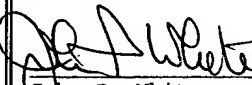
I hereby certify that this correspondence is being deposited on this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
 John P. White Reg. No. 28,678	6/5/08 Date

EXHIBIT 1